

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24888)
DON B. DENNIS)
Applicant)
GARY M. NELSON)
Protestant)

Decision: 1532
Source : Miners Ravine
County : Placer

DECISION APPROVING APPLICATION 24888

BY THE BOARD:

Don B. Dennis having filed Application 24888 for a permit to appropriate unappropriated water; a protest having been received; the applicant and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Resources Control Board pursuant to said stipulation, the Board, having considered all available information, finds as follows:

Substance of the Application

1. Application 24888 is for one acre-foot per annum (afa) from November 1 to April 1 by storage in an existing on-stream reservoir. The water is to be used for irrigation of about 2.4 acres, stockwatering, and recreation. The point of diversion is in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24, T11N, R7E, MDB&M.

Applicant's Project

2. The applicant's earth dam was initially constructed about 1965 and was modified about 1974. It is about five feet high and impounds about one acre-foot. Water is pumped from the reservoir by a pump of about 50 gallons

per minute capacity and conveyed by a two-inch pipe to the place of use. An existing 20-inch outlet pipe at the concrete spillway apron does not provide the necessary means to bypass water to prior downstream right holders. A permit term is included in the order directing that a proper outlet pipe or other facilities be installed so that streamflow can be released during the nonstorage season.

Protests

3. Gary M. Nelson is successor in interest to the original protestant Carroll Leason. He holds licensed Application 13080 (License 9582) to divert 0.09 cubic foot per second (cfs) from May 1 to September 15 for irrigation. His diversion is on Miners Ravine about four miles downstream from the applicant's project. He claims injury from insufficient water in the creek caused by illegal dams and pumps.

4. Placer County Water Agency (PCWA) protested this application but withdrew its protest when the applicant agreed to reduce the storage season to the period November 1 to April 1.

Availability of Unappropriated Water

5. U. S. Geological Survey (USGS) stream flow measurements in Miners Ravine about 0.5 mile upstream from the point of diversion, for 1977, a dry year, show that there is adequate unappropriated water in the winter to fill the one acre-foot reservoir and not injure downstream vested rights. Winter flow is comprised of natural flow, PCWA water, and treated effluent from a sewage treatment plant. The files of the Board are replete with complaints alleging illegal

diversion of water from Miners Ravine during the summer irrigation season. Investigation of these complaints by the Board's staff over the years has determined that the complaints are justified. A number of dams and pumps on Miners Ravine and its tributaries deplete the summer flow which consists of return flows and operational spills from water imported into the area by PCWA for sale to its customers. Such flows should be permitted to flow downstream to satisfy prior appropriative rights and for redirection by PCWA. Approval of Application 24888 should be conditioned to assure that summer flows are bypassed.

6. The intended use is beneficial.

Environmental Considerations

7. The Board has prepared a Negative Declaration in accordance with the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) and the State Guidelines. The Board determines that the project will not cause any significant adverse effect on the environment.

8. Department of Fish and Game has indicated that the reservoir is beneficial to fish and wildlife since this is a relatively dry area.

Record in This Matter

9. The record, documents, and other data used in determining this matter are: files of Applications 24888, 13080, 13419, 16650, and 24525, Statement of Water Diversion and Use S8929, topographic maps published by the USGS covering the area under consideration, and stream measurements of Miners Ravine provided by the Sacramento office of the USGS.

Conclusions

10. From the foregoing findings, the Board concludes that Application 24888 should be approved subject to the conditions set forth in the order following:

ORDER

IT IS HEREBY ORDERED THAT APPLICATION 24888 be approved and that a permit be issued to the applicant subject to vested rights. The permit shall contain all applicable standard terms (5i, 6, 10, 11, 12, and 13)* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed one acre-foot per annum to be collected from November 1 of each year to April 1 of the succeeding year.

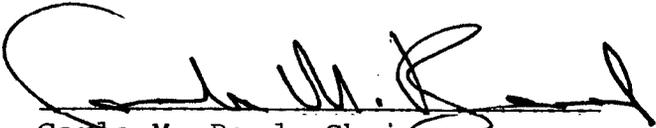
2. Construction work shall be completed on or before December 1, 1982 and complete application of the water to the proposed use shall be made on or before December 1, 1983.

3. By June 1, 1980, permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released.

* The Board maintains a list of standard permit terms. Copies are available on request.

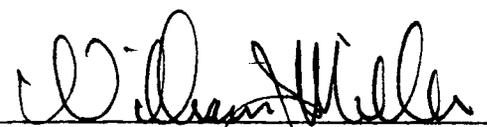
4. No water shall be diverted under this permit until permittee has installed devices satisfactory to the State Water Resources Control Board which are capable of measuring the flow required by the conditions of this permit. Said measuring devices shall be properly maintained.

Dated: SEP 20 1979


Carla M. Bard, Chairwoman

ABSENT

L. L. Mitchell, Member


William J. Miller, Vice Chairman


W. Don Maughan, Member

